

**Migrant Women and Domestic Violence in Ireland: The
Experience of Domestic Violence Service Providers**

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Chapter 1 – Rationale and Methodology

Rationale and Aim of this Study:

Since the mid 1990s Ireland has experienced a huge increase in the number of people migrating here. This rapid change has seen Ireland moving from being one of the most homogenous countries in the European Union (EU), to a country with a culturally and ethnically diverse population base. Many of the migrants to Ireland are women, they have come here to work, as dependent spouses of male migrant workers, or to seek asylum. With this growth in female immigration, frontline domestic violence services are increasingly supporting migrant women from a variety of countries, who are experiencing violence by their spouse/partner.

While domestic violence affects women regardless of age, class, race, ethnicity or sexuality, women who experience male violence are not a homogenous group. For many women coping with their partners violence is compounded due to their marginal status in society. For migrant women structural barriers such as immigration status, racism and lack of language and culturally appropriate supports, can seriously impact on their options for support and protection. Structural barriers facing migrant women and the challenges of meeting the needs of women from diverse backgrounds and communities, are emerging issues for frontline domestic violence services.

While many organisations are highlighting these issues and developing good responses, there has been no research carried out to date in Ireland on the issues facing migrant women in situations of domestic violence or on the experiences of service providers in meeting the needs of these women.

This small scale research study of 6 domestic violence service providers, aims to document the extent to which migrant women are accessing domestic violence services and the experience of service providers of the specific issues affecting migrant women in this situation. The study aims to document the specific practice and policy issues emerging for the services interviewed in providing appropriate responses to migrant women and to identify wider legal and policy issues that can act

as barriers for migrant women when seeking support and protection. Lastly this study aims to make recommendations on how services can become more accessible and appropriate for migrant women and on the policy and legislative change necessary at state level.

Methodology

The services included in this study are all front line services which specifically address and respond to the needs of women, and their children who have experienced domestic violence. Services were selected in order to reflect some mix of service types and geographical spread. Six front line services participated in the study including three refuge services and three front line support services. The refuge services all offer helpline, advice and information services as well as crisis accommodation. The three front line support services provide a number of services including one to one support and information service, court accompaniment and outreach. Of the services interviewed, two services were Dublin based, two were based in the north-east, one in the midlands and one in the north-west.

Service Providers Interviewed:

- Longford Women's Link, Longford.
- Meath Womens Refuge, Navan.
- Rathmines Refuge, Dublin.
- Waves, Sligo.
- Women's Aid, Dublin.
- Women's Aid Dundalk, Dundalk.

The research methods used consisted of a combination of desk research and semi-structured interviews. The desk research included a literature search of a wide range of information, including theoretical texts, research publications, policy and discussion documents, practical guidelines and statistical data.

The semi-structured interviews were conducted with workers from each service provider, the interviewees tended to be managers of the service or support workers working directly with women and, in general, two workers attended each interview. An outline of the interview questions were sent to each interviewee prior to the interview to give an indication of the general areas to be covered. A copy of the interview questions is attached in Appendix 1. The purpose of the interviews was to ascertain and examine the experiences of service providers in relation to the following areas:

- The extent to which migrant women were using services.
- Specific issues and barriers for migrant women and barriers to service providers.
- Service development needs in order to meet the needs migrant women.
- Policy and lobbying priority issues in this area.

Interviews were generally one hour long and all were audio taped and transcribed. To ensure safety and confidentiality for clients of the services interviewed, any identifying information from case studies has been changed or blanked out in transcripts. A copy of the interview transcripts were submitted under a separate cover.

Definitions

It is important for the benefit of the research to define the terms 'migrant women' and 'domestic violence'.

Definition Used for 'Migrant Women'

Defining the term 'migrant women' to ensure it is as inclusive and representative as possible has not been an easy one. The definition used in this study has grown over time, through the interview process itself from discussions with interviewees and from discussions with those working in the area of immigration. Through this learning I have settled on the following definition for the purposes of this study.

The term 'migrant women' includes not only recent immigrants and refugees but also those who have temporary status as visitors (tourists, temporary workers, students and undocumented migrants). It also includes those Irish citizens and permanent residents who may have been in Ireland for many years but who still consider themselves to be outside the mainstream society in terms of their linguistic, racial or cultural backgrounds, and who therefore still define themselves as immigrants.

I acknowledge that such a broad definition can reduce the clarity of some of the points made and the inclusion of so many diverse groups in the working definition of migrant women can lead to some confusion, since not all groups of migrant women are subject to the same policies, guidelines and restrictions. However, I have chosen to adopt this broad definition precisely because it is a diverse group of women that are seeking the help of the services highlighted in this report and services are faced daily with the confusion and lack of clarity with the diversity of women approaching the services.

Throughout this report, many of the points made concerning migrant women who are experiencing domestic violence, can also apply to ethnic racial minority women who are not immigrants according to the working definition described above, particularly women from the Travelling community. To simplify the study however, this overlap is not elaborated on. Instead the report focuses solely on women who fall into this working definition of migrant women who are experiencing domestic violence.

Definition of Domestic Violence

This study focuses on 'domestic violence' which generally refers to abuse of women by current or former male intimate partners. The Report of the Task Force on Violence Against Women, 1997, defines domestic violence as:

"Domestic Violence refers to the use of physical or emotional force or threat of physical force, including sexual violence, in close adult relationships...The term 'domestic violence' goes beyond actual physical violence. It can also involve emotional abuse; the destruction of property; isolation from friends, family and other sources of support; threats to others including children; stalking; and control over access to money, personal items, food, transportation and the telephone." (Office of the Tanaiste, 1997, p.10).

However, to incorporate all forms of abuse and to frame domestic violence in a broader context to reflect the reality of its multiplicity and overlapping forms I am also drawing on the following wider definition of 'violence against women' from the World Health Organisation.

"...Violence against women encompasses, but is not limited to physical, sexual and psychological violence occurring in the family, including battering, sexual abuse of female children in the household, dowry-related violence, marital rape, female genital mutilation and other traditional practices harmful to women, non-spousal violence and exploitation, physical, sexual and psychological violence occurring within the general community, rape, sexual abuse, sexual harassment and intimidation at work, in educational institutions and trafficking in women, forced prostitution and physical, sexual and psychological violence condoned by the State wherever it occurs"
(Elsberg & Heise, 2005, p.11).

Conclusion

In the following chapters the prevalence, nature and patterning of domestic violence is examined along with the intersection and impacts of race, ethnicity and immigration status, on women's experience of abuse. International research, policy and practice, in relation to the issue of domestic violence and migrant women, is outlined to inform later discussions on the issues emerging in Ireland following the recent increase in immigration which has resulted in an increasingly diverse group of women accessing domestic violence services.

Chapter 2 : International Context: **Domestic Violence and Migrant Women**

Introduction

The focus of this research report is to explore the specific issues affecting migrant women living in Ireland who are in situations of domestic violence and the experience of service providers in meeting the needs of these women. However, with immigration a relatively new phenomenon in Ireland, it is important to firstly review international research in this area, to examine evidence and learning on the specific issues and barriers facing migrant women. This chapter provides an overview of the prevalence and nature of domestic violence internationally and a brief outline of the debate within feminism which has led to recognition of and research into the 'raced' dimension of abuse. Through findings from international research the main barriers to migrant women are examined and the legal and service responses developed in other jurisdictions outlined.

Prevalence of Violence against Women:

The World Health Organisation (WHO) describes violence against women as one of the most pervasive yet under recognised human rights violations in the world, with studies on violence against women indicating the prevalence across the world.

"International research consistently demonstrates that a woman is more likely to be assaulted, injured, raped, or killed by a current or former partner than by any other person. Findings from nearly 80 population-based studies carried out in more than 50 countries, indicate that between 10% and 60% of women who have ever been married or partnered have experienced at least one incident of physical violence from a current or former intimate partner"
(Ellsberg & Heise, 2005, p.12).

The first Irish prevalence study, commissioned by Women's Aid in 1995, found that almost 1 in 5 Irish women have experienced domestic violence at some time in their lives (Kelleher and O'Connor, 1995). While a more recent study on domestic abuse of women and men in Ireland, found that 1 in 7 women had experienced severe abusive behaviour of a physical, sexual or emotional nature from a partner at some time in their lives. The survey estimates that 213,000 women in Ireland have been severely abused by a partner (National Crime Council, 2005).

These statistics not only indicate the prevalence of violence against women but also the gendered nature of interpersonal violence. The UN clearly identifies interpersonal violence as being deeply gendered with women overwhelmingly being the victims. The UN in its Declaration on The Elimination of Violence against Women highlight the root causes of gender based violence:

"Violence against women is a manifestation of historically unequal power relations between men and women, which have led to domination over and discrimination against women by men and to the prevention of the full advancement of women, and violence against women is one of the crucial social mechanisms by which women are forced into a subordinate position compared to men"

(UN Declaration on the Elimination of Violence against Women, 1993).

The Nature of Domestic Violence

Studies into the nature and patterning of male violence in intimate relationships demonstrate the underlying root causes of power and control. With findings illustrating that domestic violence is a process rather than a once off event, with abusive men employing a multiplicity of abusive and coercive tactics to gain control over their partner's life. Study findings confirm that most women who suffer physical or sexual abuse by a partner generally experience multiple acts over time and tend to be subjected to multiple forms of violence (Kelleher Associates and O'Connor, 1995; Kelleher Associates and O'Connor, 1999; Ellsberg and Heise, 2005).

As well as physical and/or sexual abuse, emotional abuse is experienced by a large proportion of women, with 50% of all callers responded to by the Women's Aid Helpline in 2004 disclosing emotional abuse. For many women emotional abuse or the threat of violence can be more frightening than actual physical violence and controls and undermines women just as much as actual acts of violence (Kelleher Associates and O'Connor, 1995). With the intention of ensuring compliance of a woman, abusive men actively seek to isolate women from any possible sources of support such as family, friends and community and many women are prevented from accessing paid employment (O'Connor Wilson, 2004).

In the most extreme form, violence kills women. Worldwide, an estimated 40 to more than 70% of homicides of women are perpetrated by intimate partners, frequently in the context of an abusive relationship (Ellsberg & Heise, 2005). In Ireland since the end of 1995, 119¹ women have been murdered with all of the completed cases have being male perpetrated.

Accounts of violence against women across countries reveal patterns that are strikingly similar even as they reflect important and distinct cultural differences. Examples include dowry-related violence, female genital mutilation (FGM) and honour related violence. In many countries women are beaten or even killed when their families fail to meet payments or their husbands decide they want more than originally agreed (Dobash and Dobash, 1992). The practise of FGM is still widely practised in many African countries, with international data from 15 African countries showing, prevalence ranging from 5% to 100% in some countries. Honour related violence, which has come to manifest itself more clearly in Europe during the last decade, includes honour killings, forced marriage and early marriage. In the United Nations Population Fund report "State of the World Population 2000", it is estimated that approximately 5,000 women and girls are killed in what they call 'honour killings' every year all over the globe. This figure is probably a fraction of the real number, and is also on the rise world-wide (European Conference Report, 2004).

¹ This figure was obtained from media records collated by Women's Aid in Dublin up to the end of June 2006.

The Diversity of Women's Experience of Violence

What is evident from the prevalence and patterning of domestic violence outlined above, is that domestic violence happens to women across all race, religion, ethnicity and class groups. Much of the literature on domestic violence emphasises this fact and this emphasis has been important in terms of bringing the issues into the mainstream, and shifting the debate away from the domain of the private and 'other'. However, as Burman argues, we also need to attend to what may be hidden by such a homogenising approach which tends to miss or pass over the classed and 'raced' dimensions of abuse (Burman, 2005).

Since the 1970s and 1980s, Black activists in the US and the UK have been highlighting the need to recognise the different experiences of Black and Minority Ethnic women in feminist theory and practice. In 1984, Audre Lorde challenged white feminism's focus on homogeneity of women's experience, which she argued did not represent Black women's experience.

"It is not our differences that are separating us, it is rather our refusal to recognise those differences. By and large within the women's movement today, white women focus upon their oppression as women and ignore differences of race, sexual preference, class and age. There is a pretence to a homogeneity of experience covered by the word sisterhood that does not in fact exist"

(Lorde, 1984, p.315)

Through this activism, feminists began to recognise that for change to benefit all women it was important to map out the differences between women and what their consequences are in legislation, policy and practice. (Hester et al, 1996). As a result research on violence against women has begun to explore differences in women's experiences and how these connect to different ways of coping with men's violence. And it was through research into the experience of black and minority ethnic women,

that the intersections and impact of race, ethnicity, culture, class and sexuality began to emerge (Mama, 1989; Rai & Thiara 1997; Batsleer, 2002; Southall Black Sister, 2003).

Barriers For Migrant Women

These studies found a complexity of ways in which women from marginalised communities were systematically disadvantaged and how their marginalised status informed the responses to violence against women by the state, professionals and the voluntary sector. It was shown that minority ethnic women often encounter additional barriers in seeking support, and encounter stereotyped responses that draw on notions of commonness and even acceptance of abuse in certain social groups (Hester et al, 1996; Batsleer, 2002).

Though many barriers emerged through these studies, four key issues were repeatedly identified as having a significant impact on migrant women in situations of domestic violence. Firstly, immigration legislation impacts greatly on the lives and choices of migrant women, increasing their physical vulnerability and distress in situations of domestic violence and severely curtailing their options particularly when social welfare restrictions apply. Secondly, restrictions to public funds to individual women through social welfare restrictions, and to services through under funding, limits women's choices and curtails the development of appropriate responses. Thirdly, migrant women often face the dual problem of racism from wider society and rejection from their own communities if they report abuse. This exacerbates women's fear of isolation and often prevents women from leaving the abusive relationship. And fourthly, cultural differences and lack of understanding and culturally appropriate responses can often be a significant barrier to women seeking help and protection (Mama, 1989; Rai & Thiara, 1997; Morton, 1997, Rai & Thiara 1999, Batsleer, 2002; Southall Black Sister, 2003).

Immigration and Social Welfare Restrictions

In the first comprehensive study of Black women's experience of domestic violence, Amina Mama (1989) focused on the ways in which racism and sexism combine to exacerbate the problems Black women face in this situation. In her study she pointed to the part played by racist and sexist immigration laws which define foreign-born wives of British men as dependents with no independent right of residence in the UK (Mama, 1989).

This intersection between immigration law and racism is also picked up in the Southall Black Sisters' (SBS) analysis of immigration law and domestic violence. They point out that immigration laws are by nature racist, created to prevent certain categories of foreigners from coming into the country. In their opinion UK immigration law is at the cutting edge of Black communities' experience of racism at the hands of the state. With a focus on abuses by asylum seekers rather than abuses against them, successive governments have justified the introduction of measures to reduce the duties they have to immigrants and asylum seekers, reducing money, housing and services available to them. As a result of restrictions and particularly specific measures to prevent people from using marriage to gain entry and residency, SBS have found that immigration rules have trapped women in violent relationships.

"More than half of our clients have come from abroad to the UK to join their husbands. Others entered the UK with husbands who came here to claim asylum. The majority of these women seek help from SBS because they are in violent marriages or have fled violence. The right of these women to stay in the UK is invariably dependent upon them remaining in violent marriages"
(Southall Black Sisters, 2003, p.136).

Burman, also analysing UK policy, argues that despite many legal and policy developments to tackle the issue of domestic violence, current immigration and

asylum legislation militate against the government's commitment to address the issue. Based on findings from an earlier study, Burman highlights how, for migrant women in violent relationships whose status is dependent on their husbands or for those who are restricted from accessing welfare benefits, the law exacerbates their situation rather than protects them.

"The threat of being deported affects women in terms of exacerbating their distress and sense of insecurity and uncertainty... Women not only reported how 'the law gives all the power to the man', but also how the abuse they were subjected to was made possible precisely because of their immigration status"
(Burman, 2005, p.2).

Social Welfare Restrictions

A further extension of immigration policy is the restriction of social welfare benefits to certain categories of immigrants. With evidence that access to affordable accommodation and economic independence are essential prerequisites for victims of domestic violence in order to leave violent relationships, state policy and practice that restrict access to housing, levels of state benefit and childcare pose significant barriers to minoritised women (Kelleher Associates & O'Connor, 1995; Women's Aid, 2002; Southall Black Sisters, 2004; Burman, 2005).

In Ireland a number of migrant and women's organisations have been calling for the removal of social welfare restrictions for women in situations of domestic violence. These groups, pointing to research that indicates financial control is a major factor in women's entrapment in abusive relationships, are highlighting that restrictions on migrant women experiencing domestic violence are preventing women from fleeing violent partners (ICI, 2005; National Women's Council of Ireland, 2005; Women's Aid, 2005). Learning can also be drawn from the experience in the UK that highlights, even when protection in relation to securing immigration is afforded to migrant women, such protection has limited effect without entitlements to safe

accommodation and financial support. The SBS describe the impact of continuing restrictions.

"Whilst the current domestic violence rule has removed some women's fears of being returned to their countries of origin if their marriage/relationship breaks down, it has not removed women's fear of destitution and of being trapped in a violent home. The continuing restriction to public funds preserves the economic dependency of abused women on violent partners or relatives and prevents a significant number of women from escaping violence"
(Southall Black Sisters, 2004, p.4).

Racism

The third key issue affecting many migrant women is racism. A number of studies have found that racism and discrimination have the ability to permeate every stage of the help seeking process for minority ethnic women. And fear of racism has been highlighted as a major factor in minority ethnic women's decision not leave a violent situation (Mama, 1989; Kelleher Associates & O'Connor, 1995; Morton, 1997; Rai & Thiara, 1997).

Migrant women often face the dual problem of racism from wider society and rejection from their own communities if they report abuse. For these women the reality of racism can create a tension between their experience of abuse, and feeling a need to protect the community from intervention, especially from the police (Hester et al, 1996). Women's loyalty to their community coupled with fears that by reporting domestic violence they will fuel racist ideas and practices, creates deep concerns that reporting violence may result in racist reactions against what may be an already over policed section of the community (Dobash and Dobash 1992; Southall Black Sisters, 2003; Burman, 2004).

It has also been pointed out by Black and Minority Ethnic women, that because their communities are subjected to extreme violence and discrimination from the dominant community, the effect of this oppression causes high levels of stress in the community which has an effect on the level of violence against women (Lorde, 1984; Kelleher associates & O'Connor, 1995). Audre Lorde describes how the dynamic of oppression and men's power can exacerbate violence against women.

"Exacerbated by racism and the pressures of powerlessness, violence against black women and children often becomes a standard within our communities, one by which manliness can be measured. But these woman-hating acts are rarely discussed as crimes against Black women"
(Lorde, 1984, p.318).

Cultural Barriers

As outlined by Dobash and Dobash, 1992, kinship and the institution of the family remain the most important forces in many cultures and are fundamental to understanding social life and the nature and extent of violence within it. This is illustrated in Batsleer's study into the experience of minoritised women in situations of domestic violence, that found for many women it was the loss of their family and community as well as the fear of racism and isolation within the dominant community that stopped them from moving on. (Batsleer et al, 2002).

Research carried out in Northern Ireland on the needs of minority ethnic women at risk of domestic violence, found that cultural factors pertaining to marriage and family honour had a significant impact on women's help seeking behaviour if domestic violence was occurring. Indian and Chinese women in this study outlined the pressure not to disclose the abuse outside the family as it could bring shame upon the family. They also feared being ostracised from their communities if they sought support outside the community. The women's identity and status were strongly linked to marriage and the breakdown of a marriage could be viewed as extremely shameful for women and their families (Morton, 1997).

In the Southall Black Sisters' long history of supporting Asian women experiencing domestic violence they have experienced how a combination of lack of state protection and community and family pressure on women to stay, can keep women from escaping abusive relationships.

I have been amazed by the strength and conviction displayed by women, which runs counter to popular perceptions of Asian women as passive and subservient. If women are failing to break out of situations of domestic violence, control and oppression, it is not because they are passive but because the state has failed to protect them and because community and family pressure can sometimes be too much to surmount.

(Southall Black Sisters, 2003, p.29).

State and Service Responses in Other Jurisdictions

State responses

In the UK, US, Australia, Canada and many other countries in the world, migrant and women's organisations have campaigned for change in relation to the barriers highlighted above, with much of their focus on the area of immigration law. These campaigns have resulted in provisions being introduced in many countries, which offer protection to victims of domestic violence with uncertain immigration status. With the Irish Government currently drafting provisions for migrants who are in situations of domestic violence, it is important to examine and learn from protections developed in other jurisdictions. With the Irish Government tending to follow UK policy in the area of immigration, the primary focus of this section is on UK legislative, policy and service developments.

In 1999 the UK government introduced the Domestic Violence Concession which permitted women, who entered or stayed in the UK as spouses and partners subject to a probationary period, to apply for indefinite leave to remain in the UK if they could provide evidence of domestic violence. The concession was incorporated into the

Immigration Rules in December 2002 and has come to be known as the "domestic violence rule" (Southall Black Sisters, 2004).

The type of evidence of domestic violence required to qualify under the rule was extended in 2002, however, requirements are that more than one type of evidence is required from the following list:

- A court order.
- A police report confirming attendance at the home of the applicant as a result of domestic violence.
- Letter from a GP confirming injuries consistent with abuse.
- A medical report from a hospital doctor, confirming injuries consistent with abuse.
- A letter of support or report from a women's refuge.
- A letter from social services confirming involvement in connection with domestic violence (Women's Aid, 2005).

Although the introduction of the 'domestic violence rule' is a welcome development there have been a number of concerns raised by organisations working with victims of domestic violence. Firstly not all categories of women subject to immigration control are covered by the domestic violence rule, and groups have called for the rule to be extended to all women subject to immigration control. In addition, despite reform, the type of evidence needed to prove domestic violence is not easily available. Due to the hidden nature of domestic violence and numerous problems with reporting, some victims are unable to provide the type of evidence currently required to qualify under that domestic violence rule. Groups are calling for all types of evidence of domestic violence, including victim and witness statements, and reports from statutory and voluntary agencies, should be accepted as proof under the domestic violence rule (Women's Aid Federation of England, 2002; Southall Black Sisters, 2004).

Australia has a similar provision to the UK's 'domestic violence rule' called the 'domestic violence provision'. This provision was introduced in response to community concerns that spouses and partners were remaining in abusive

relationships for fear that they would be forced to leave Australia if the relationship ended. The 'domestic violence provision' allows certain people applying for permanent residency to continue with their application after the breakdown of their family unit, if they or a family member, have experienced domestic violence committed by their spouse or partner (Australian Government Department of Immigration and Multicultural Affairs, 2005). The evidence required to prove domestic violence is more wide ranging than in the UK and women can provide reports from a range of professionals including doctors, social workers and community workers as proof of violence (Southall Black Sisters, 2003).

Restrictions to Social Welfare:

Similar to the 'Habitual Residency Condition' in Ireland, the UK has also restricted access to social welfare benefits for immigrants during their probationary period. The 'no recourse to public funds' condition requires that persons coming to the UK must be financially supported by their spouses or must support themselves by working. They are not entitled to welfare benefits, council housing or to use publicly funded facilities such as refuges unless they are able to pay rent (Southall Black Sisters, 2003, p.136).

Several countries including Denmark, Austria, Canada and the USA have introduced similar provisions to the Domestic Violence Rule but also provide women with public funds pending application (Southall Black Sisters, 2004). As outlined earlier, with access to housing and social welfare benefits vital to women escaping domestic violence this needs to be an integral part of any protections introduced.

Service Responses:

The focus of this study is domestic violence service provision to migrant women, and as well as reviewing state responses, it is useful to draw on learning from service provision to Black and Minority Ethnic communities in other areas. Again the UK provides useful learning, particularly as domestic violence service providers have been providing services to a diverse population for many decades.

In the UK in the late 1970s and early 1980s, there was a general rise in the number of Black women seeking assistance from existing services as well as an increased visibility of domestic violence as an issue affecting the Black community. This trend prompted the need for services to be sensitive to the needs of Black women and children and a call for the setting up of specialist services. The development of Black women's refuge support services was part of the wider development of autonomous organising by Black women which sought to give equal emphasis to 'race', class, gender and culture. By 1999, there were 50 specialist refuges out of 250 refuge projects in England (Rai & Thiara, 1999).

With little research undertaken into the extent and nature of use of refuge support services, research was commissioned by Women's Aid Federation of England, to report specifically on the experiences and needs of Black women and children using refuge support services. This research found that there were the low levels of awareness about refuge services among Black women, which led many Black women to endure violence for longer periods and contributed to their under-use of refuge by Black women. This research also highlighted that the sensitivity displayed by a service in meeting the needs of Black women and children was the main factor determining the quality of their experience (Rai & Thiara, 1999).

Women in the study reported feeling less isolation and more comfortable and supported in the company of other Black women, with whom they could share language, cooking and other leisure activities. All women who had difficulties communicating expressed a strong preference for specialised refuge. It was further felt that such refuges would be better able to understand specific problems and

provide support given the insight that workers had into the women's religious beliefs and cultural practices (Rai & Thiara, 1997).

Funding to Services

As outlined earlier the 'no recourse to public funds' condition in the UK has had very serious consequences for women fleeing domestic violence. This restriction affects refuge provision as refuges rely on rental income paid via public funding such as housing benefit due to each resident and so are often unable to support women who have no recourse to public funds. Specialist refuges have been particularly affected by these restrictions, as they tend to gain less public funding and support more women with no recourse to public funds (Rai & Thiara, 1999; Southall Black Sisters, 2003; Burman et al, 2004).

In addition to restrictions to public funds, specialist refuges provide services to women and children who are affected by all sorts of barriers and obstacles, and in order to provide for varied needs require additional resources. In the research commissioned by Women's Aid, many specialist refuges raised concerns about the limited availability of funds and the high costs of providing these services. There were also concerns that funding to specialist refuges was more likely to be under threat with the rationale that mixed refuges cater for all women, whereas specialist refuges serve only a particular group of women (Rai & Thiara, 1999).

Conclusion

International evidence supports the feminist analysis that the intention of domestic violence is to maintain men's power and control over women's lives. For migrant women the additional vulnerabilities of uncertain immigration status, no access to independent income, unfamiliar surroundings and language and culture, exacerbates their dependency on their partners, leaving them particularly vulnerable to domestic violence.

Key structural barriers including immigration laws, social welfare restrictions and racism prevent migrant women experiencing domestic violence from accessing support and protection. State laws and policies need to address these barriers to ensure domestic violence legislation offers protection to all women. Domestic violence provisions developed in some jurisdictions afford some protection, particularly where the evidence required reflects the nature of domestic abuse and women have access to housing and social welfare benefits.

The specific needs of migrant women accessing support services also needs careful consideration, with research identifying the response from specialised services as best meeting the needs of Black and Minority Ethnic women. The restrictions to public funds and the additional costs associated with meeting such varied needs, however, is a major concern for specialised services and can be used as rationale to threaten funding directed specifically to meeting the needs of minority women.

Chapter 3 – Irish Context

Introduction

In order to assess and understand the issues that are affecting migrant women who are experiencing domestic violence and service providers working on the issue, in an Irish context, it is important to look at some of the key features of the Irish immigration system and the current supports and protections available to women in situations of domestic violence. This chapter, which is divided into two sections, aims to explore some of the key features, developments and challenges, firstly of the Irish immigration system and secondly of domestic violence legislation, policy and support services here.

Section 1:- Immigration

Scale and Diversity

Until the recent past, Ireland was a country characterised by emigration, however, the economic boom in the 1990s brought unprecedented levels of prosperity to Irish Society and the number of people migrating to Ireland increased considerably. Since 1996 there has been strong net inward migration into Ireland and this initially consisted of many Irish returning home, more recently there has been a steady inflow of people of other nationalities (Immigrant Council of Ireland (ICI), 2005).

Since 1997 the total number of immigrants coming to Ireland each year has constantly exceeded 40,000² (Immigrant Council of Ireland, 2003), with current estimations indicating that there were 253,500 foreign nationals aged 15 years and over in the state in the last quarter of 2005. (Central Statistics Office (CSO), 2005). Projections are that this trend is set to continue with the CSO predicting that there will be 1 million foreign-born nationals in the population by 2030. (Irish Times, 2006).

² This figure includes asylum seekers.

This rapid change has seen Ireland moving from being one of the most homogenous countries in the EU, to a country with a diverse population base. The 2002 Census provides the most comprehensive breakdown of national diversity to date and identifies five main regions of origin for migrants living in Ireland. These are the UK and other EU countries (3.4% of the total population), Asia (0.5%), Africa (0.5%), non-EU European countries (0.5%), and the United States (0.3%) (NCCRI & Equality Commission of Northern Ireland, 2006, p.7).

More recent estimates based on PPS numbers, work permit and visa data, residency figures and other indicators, show the top ten foreign national groupings currently resident in Ireland as:

Poland, 150,000; China, 60,000; Lithuania, 45,000; Latvia, 30,000; Nigeria, 28,000; UK, 25,000; US, 6,000; Romania, 5,000; Philippines, 5,000; Pakistan, 4,500. (Irish Times, 2006).

Nationals of the EU Accession states are the fastest growing category of foreign nationals, representing 35.6% of non-Irish nationals in the labour force (Central Statistics Office, 2006). The largest numbers are from Poland, Lithuania, Latvia, the Czech Republic and Slovakia (Immigrant Council of Ireland, 2005).

Categories of Migrants

Ireland has thus experienced, in a very short space of time, a substantial rise in non-Irish immigration, partly from other EU countries but also with a significant rise in non-EU immigrants, whether migrant workers, asylum seekers or undocumented immigrants (MacEinri, 2005). For immigrants, particularly non-EU migrants, their category of entry into Ireland generally determines their level of rights and entitlements, with some categories afforded greater rights and entitlements than others. The main categories of immigration for non-EU migrants are outlined below, with a brief description of the main conditions and restrictions attaching to each category.

Permission to Work: Work Permit and Working Visa Schemes:

The majority of non-EU³ immigrants come here through temporary forms of permission to work: through the 'work permit scheme' or 'working visa/authorisation scheme'. Workers on the work permit scheme account for the largest category, with a steady rise in work permits issued since 2000, reaching a peak in 2003 with 15,454 permits issued to women and 31,489 to men (Pillinger, 2005).

Under the work permit scheme, work permits are issued to employers giving them permission to employ non-EEA nationals, this scheme tends to be concentrated in the unskilled or relatively unskilled sectors (MacEinri, 2005). Work permits, which are non-transferable, are issued for a maximum of one year and are renewable. Where spouses are granted the right to join the worker they do not have an automatic right to work (Kelleher Associates, 2004). With government policies further favouring a shift towards skilled immigration and migration from the new member states it is anticipated that the number of work permits issued will decline further in the future (Pillinger, 2005).

The Government will enact a new Employment Bill in autumn 2006. In introducing the Bill, the Minister for Enterprise Trade and Employment indicated that it would also provide access to the labour market for spouses of the permit holder. It has been indicated that the new bill will provide a longer permit of two years, with access to the labour market for spouses and a possibility of portability of labour in situations of exploitation. The actual content of the proposed bill does not include all of these provisions. However, the Minister has indicated that those that are not provided for in the Act will be provided in further regulations. If the above provisions are enacted this will extend the rights of those on work permits (Immigrant Council of Ireland, 2006)

³ European Economic Area Agreement. In 1994, the EEA was signed between the European Union and Norway, Iceland and Liechtenstein. Nationals of these states enjoy rights within the EU that are similar to those of nationals of EU member states. Non-EEA nationals are nationals from countries outside this area.

The working visa/authorisation scheme is restricted to specific skilled occupations that are in short supply. There were 8,951⁴ workers granted permission to work under this scheme from 2000 to 2004. It offers more favourable conditions and flexibility, it is usually valid for 2 years and the holder can change employers within the same skills category. Since February 2004 spouses under this scheme have an automatic right to work (Kelleher and Kelleher, 2004).

Undocumented Migrants

Undocumented migrants would also add to inflows of migration into unskilled sectors of the economy, however, little is known about the number and experience of undocumented workers in the state. With limited formal opportunity to regularise their residency status undocumented workers, particularly women, can be in extremely precarious positions, vulnerable to exploitation, without rights and without access to social welfare and healthcare. A recent study of female migrant workers found that several of them had experienced periods of undocumented work with blurred lines between documented and undocumented work (Pillinger, 2005).

Refugee and asylum seekers

Refugee and asylum seekers represent a significant portion of immigrants coming to Ireland. This was particularly the case from the mid 1990s up to 2002 when the number of asylum applications peaked at 11,634. Since then the number of applications has been falling and in the first five months of 2005 there were 1,901 applications (Immigrant Council of Ireland, 2005).

Under the 'direct provision' system, introduced in April 2000, asylum seekers are housed in shared, hostel-type accommodation centres across the country. Residents of

⁴ This figure is an aggregate of statistics on this scheme from 2000 to 2003 published in Kelleher associates, 2004 and 2004 figures from Pillinger, 2005.

direct provision centres are provided with food, lodging and a weekly payment of €19.10 per adult and €9.60 per child. In Ireland, asylum seekers are not allowed by the state to take up paid work. Individuals who seek asylum in Ireland may be recognised as refugees at either the first instance or on appeal. If unsuccessful at appeal, they may apply to the Minister for Justice, Equality and Law Reform for 'leave to remain'. If refused leave to remain, people who sought refuge may be deported. If refugee status is granted, then a refugee is generally entitled to the same rights as an Irish citizen (Irish Refugee Council, 2005).

Feminisation of Migration

While data is available on most categories of immigrants to Ireland there is very little gender disaggregated data available. Significant gaps exist in relation to the gender breakdown of migrant workers, asylum seekers, or those here for family reunification. In addition, there is no system for a gender-based analysis of immigration, integration and settlement policies (Pillinger, 2005). However, with much international evidence of the feminisation of migration, the United Nations estimates that 50% of the 175 million migrant workers globally are women, it is safe to assume that a significant proportion of migrants to Ireland are female (Pillinger, 2005).

A recent study on migrant women workers in Ireland provided some data on migrant women in the labour market, including figures on the number of work permits issued to women. An assessment of work permit data showed that female work permit holders predominate in the catering, domestic, agricultural and medical/nursing sectors. In 2005, the majority of female work permit holders were from the Philippines, South Africa, Ukraine, USA, Russia, Australia, Belarus, Brazil, Bulgaria, China, India, Malaysia and Moldova (Pillinger, 2005).

In line with international findings in relation to female migration this study found that while some migrant women had very positive experiences, migrant women workers

tended to be very invisible and working in highly feminised, low paid and less regulated sectors of the economy (Koffman, 2003; IOM, 2005; Pillinger, 2005).

Undocumented women are particularly vulnerable and included in this category are those women who are trafficked into the country for the purpose of sexual exploitation. Ruhama, a specialist organisation working with women involved in prostitution and victims of trafficking, have noted that the number of trafficked women they are encountering is increasing each year. In 2004 Ruhama directly supported 21 women who are known to have been trafficked into Ireland. During the period they also supported 70 women who were presumed trafficked (Ruhama, 2005).

A further significant category of female migration is through family re-unification, although the number of women who have come into Ireland under this category are not known. Under current immigration policy dependent spouses do not have residency/immigration rights as individuals and in many cases do not have the right to work (Kelleher and Kelleher, 2004).

Many groups have highlighted that these restrictions leave female dependent spouses particularly vulnerable to social isolation and poverty, and where the relationship is abusive, with little choice but to remain in dangerous and violent situations (Immigrant Council of Ireland, 2005; National Women's Council of Ireland, 2005; Women's Aid, 2005). Based on these concerns and to improve the legal status of migrant women, many advocates have called on the government to grant an automatic right to work to spouses/partners of non-EU migrant workers.

Ireland's Legislative and Policy Response to Immigration:

Such a rapid increase in the number of immigrants in recent years has created an urgent need for comprehensive immigration and integration policies, however, developments in legislation and policy in these areas to date have been slow. The existing legislative basis for the Irish immigration system dates back to the 1930s and 1940s with the Aliens Act 1935 and the Aliens Order 1946. Both of these acts

conferred sweeping executive powers on the Minister for Justice (MacEinri, 2005). Since that time legislation has been developed in an ad hoc manner. Reform to date has been piece-meal and reactive and policy changes have focused on border security and border control rather than rights (Immigrant Council of Ireland, 2005). As a result Ireland's immigration legislation remains heavily dependent on the discretion of the Minister for Justice, Equality and Law Reform with very limited rights and redress for individual migrants. Many of the procedures are not laid down in primary legislation but left to discretionary policies with limited guidelines or transparency (Immigrant Council of Ireland, 2005).

The development of Ireland's immigration policy has been focused primarily on economic interests. This market-led approach is underpinned by the principle of temporary migration rather than a permanent migration system, with the majority of non-EEA reliant on temporary forms of permission to work (Kelleher and Kelleher, 2004). It is argued by migrant advocate groups that this approach adversely impacts on the rights of migrants. They point out that as the underlying assumption that immigrants are only here temporarily, very little legislation or policy has been developed in the areas of residency or family re-unification (Migrants Rights Centre, 2004; Immigrant Council of Ireland, 2005).

Family Re-unification

Currently, while family re-unification is identified by migrants as their single biggest issue of concern, there is no provision in legislation governing family re-unification for Irish Citizens and all other migrants (excluding refugees) (Immigrant Council of Ireland, 2006).

In practice Irish nationals are permitted to have their spouse reside in Ireland with them. However, the rights of the spouse of an Irish national are derived from their Irish spouse and are dependent on him/her remaining in Ireland and the marriage continuing to subsist (ICI, 2003). Non-EEA migrant workers can apply to be joined by their spouse and dependent children, however, a number of criteria apply. The migrant worker must have sufficient means to support his or her family and must have

been in the state for between 3 months and 1 year, depending upon their immigration category. Spouses of family members who have joined non-EEA workers in Ireland are entitled to reside here as long as the worker is in Ireland and continues to be able to support them (Immigrant Council of Ireland, 2003).

As highlighted earlier, when a woman's immigration status is dependent on her partner and she does not have the right to work, she can be particularly vulnerable to isolation and poverty and, where the relationship is abusive, her choices are severely curtailed. Recently published research on domestic violence by the National Crime Council, reinforces this point, noting that migrant women are forced to stay with abusive partners because of their precarious immigration status and that for this reason women in this situation are extremely reluctant to report the abuse to the Gardai (National Crime Council, 2005).

Social Welfare Restrictions

As well as restrictions to family re-unification rights, recent restrictions in entitlement to social welfare payments have had a significant impact on certain categories of migrants, with particular implications for women.

In April 2003, the general payment of rent allowance to asylum seekers and illegally resident non-nationals was abolished, requiring such persons to remain in direct provision accommodation. On May 1st 2004, in the context of EU accession and measures taken in other existing EU Member States, a habitual residence requirement was introduced into social welfare legislation which limited the access of non-nationals (including EU nationals) to many social welfare payments. Previously even persons resident for a very short period of time in Ireland potentially had access to a wide range of social welfare payments (MacEinri, 2005). In relation to this study, the impact of these restrictions on migrant women who are experiencing domestic violence, are particularly far reaching, with many women unable to leave the abusive relationship as a direct result of these restrictions.

New Proposals: Immigration and Residency Bill

The Government themselves have acknowledged the need to update existing legislation on Immigration and Residency and a significant development was the publication of a discussion document in April 2005 by the Department of Justice, Equality and Law Reform. This document outlines what is proposed by Government in the forthcoming Immigration and Residency Bill, which include proposals to address some of the issues outlined above, including admission for the purposes of family re-unification and considerations for victims of domestic violence (MacEinri, 2005).

In response to this discussion document submissions were made from representative organisations and Ngo's which highlighted significant gaps in the proposed legislation. While the proposals to update immigration legislation were welcomed, many groups argued that they fail to adequately address the rights of all immigrants and do not address integration and settlement issues (MacEinri, 2005).

In relation to the proposals for family re-unification a number of gaps and concerns were raised. These include a concern that family re-unification will only be provided for by way of secondary legislation and, without a broader definition of the family it will be based only on the traditional nuclear model of the family based on marriage. A further concern is that the discussion document does not clearly identify what rights would be conferred on immigrants admitted under family re-unification provision (Immigrant Council of Ireland, 2005).

Domestic Violence Concession

In relation to domestic violence the document does state that consideration will be given to situations of domestic violence or marital breakdown, however, groups working on the issue are concerned by the lack of clarity regarding the rights of immigrants in these situations (Immigrant Council of Ireland, 2005; National

Women's Council of Ireland, 2005; Women's Aid, 2005). While these groups welcomed references in the document to increasing protection for victims of domestic violence, they called on the Government to include a number of recommendations in the final Bill.

The main inclusions called for are:

- That measures be put in place to ensure that all migrant women (documented or undocumented) and children who experience domestic violence and whose immigration status is dependent on their spouse to be given temporary leave to remain.
- All migrant women and children in this situation be automatically deemed compliant with the Habitual Residency Condition and therefore able to access Health Board payments such as supplementary welfare, rent allowance, medical cards and other social welfare payments.
- Women in this situation are given the right to work.
- Support is provided for domestic violence services providers working with migrant women (National Women's Council of Ireland, 2005; Women's Aid, 2005).

Women's Aid and the Immigrant Council of Ireland recommended that the evidence required to prove domestic violence should be as broad as possible, taking into account the dynamics of domestic violence which may mean that women are reluctant to contact state agencies and may not be in a position to access family law courts. The particular difficulties facing migrant women who do not speak English, who may be socially isolated and financially dependent, also need to be taken into account when specifying the types of evidence required. These groups also called for undocumented migrants who experience domestic violence to be included in these provisions and be allowed to regularise their situation by being given temporary leave to remain in the state (Women's Aid, 2005; Immigrant Council of Ireland, 2005). In response to separate proposals to restrict access to public emergency services by irregular migrants only, the ICI recommends that domestic violence refuges and

homeless shelters, among others, be included under emergency services (Immigrant Council of Ireland, 2005).

Conclusion

Ireland's immigrant population has grown both in scale and diversity in the last decade and, with this trend set to continue, the need for comprehensive immigration and integration policies is greater than ever. The largely discretionary nature of the present system, developed with a focus on economic interests and border controls, results in inconsistencies, unnecessary delays and a lack of clarity on the rights and entitlements of individual migrants, with some policies causing significant hardship, particularly in relation to female migrants.

Women make up many of the recent migrants to Ireland through all categories of immigration. However, many of these migrating women work in low-paid, less regulated sectors of the economy or come as dependent spouses and have no right to work. As a result many women are more vulnerable to poverty and exploitation and stay invisible to the state and other services. In order for these issues to be addressed it is essential that immigration and integration policy is developed with a gender perspective.

The proposed Immigration and Residency Bill does offer some advancement in updating legislation, however, it is argued by migrant groups that it does not adequately address the issue of migrants' rights and entitlements or the position of irregular, or undocumented immigrants in the State. In relation to the issue of domestic violence the document indicates that consideration will be given in situations of domestic violence but the rights of immigrants in this situation are not outlined. In developing this policy it is important that learning from other jurisdictions be considered, particularly in relation to the type of evidence required to prove domestic violence and that social welfare restrictions are waived for women in this situation.

Section 2 - Domestic Violence Legislation and Services in Ireland

Introduction

A number of developments in Ireland over the past three decades have improved the options and responses available to women who are experiencing domestic violence. These options range from seeking legal protection through the justice system to accessing refuge and support services which offer accommodation, support and advice. This section offers a brief overview of the domestic violence legislative and policy framework in Ireland, the current services available and the funding climate in relation to support services.

The Legal System

The legal system plays an essential role in protecting women from domestic violence and developments in legislation in Ireland in recent years have enhanced the protection available. Following intensive lobbying by women's organisations, including Women's Aid, the introduction of the Domestic Violence Act in 1996 represented a substantial improvement in the protection and options available to women experiencing domestic violence. This Act dealt with both the civil and criminal aspects of domestic violence, extending the grounds under which civil protection orders could be obtained and made breach of an order an arrestable offence (Kelleher & O'Connor, 1999). The Non Fatal Offences Against the Persons Act in 1997 brought all the crimes against the person under one Act (O'Connor & Wilson, 2005).

However, despite improvements in legislation research into the enforcement of domestic violence law in Ireland found that a relatively low percentage of women accessed the legal system or the Gardai. Barriers preventing women from accessing protection under the law include gaps in the legislation that leave many women ineligible to apply for court orders, the inconsistent enforcement of the law and, the very low number of men receiving prison sentences (Kelleher & O'Connor, 1999). A

further key finding of this research study was that a large number of women withdrew applications as they felt unable to follow through with court proceedings. Reasons women gave for withdrawing applications included the increased risk as a result of taking the action, a fear of escalation of violence as a result of taking the action, and feeling intimidated by the court system (Kelleher & O'Connor, 1999).

Policy Context

Alongside developments in legislation, there have also been a number of policy developments in Ireland to address violence against women. These include the establishment of the Domestic Violence and Sexual Assault Unit in 1993 and the introduction of the Garda Policy on Domestic Violence in 1994 (amended in 1997) (Women's Aid, 2002).

Another significant policy development was the establishment of the Task Force on Violence Against Women and the production of the Task Force Report in 1997, which resulted in the establishment of the National Steering Committee (NSC) and eight Regional Planning Committees (RPCs) on violence against women. The purpose of the committees is to provide a national structure for the development of responses to domestic violence, rape and sexual assault. The NSC is chaired by a Minister of State from the Department of Justice, Equality and Law Reform, and the committees comprise representatives from the statutory sector and Ngo's involved in the delivery of services to women who have experienced violence (O'Connor & Wilson, 2005).

Domestic Violence Front Line Services

The development of women's refuges was one of the first responses of the women's movement to the prevalence of domestic violence, with the first women's refuges opening in Ireland in the 1970s. While a multiple range of services have developed since this time, refuge provision and front line support services remain the principal response to women experiencing domestic violence. There are currently 18 refuges in Ireland across sixteen counties (O'Connor & Wilson, 2005) and current membership of the National Network of Women's Refuges and Support Services (NNWRSS)

shows a total number of 38 refuge and front line support services across twenty four counties (National Network of Women's Refuges and Support Services, 2006). Refuge and other front line services support thousands of women across Ireland each year, with the total capacity of refuges at 454⁵ bed spaces at any one time (O'Connor & Wilson, 2004). In addition, the Women's Aid National Freephone Helpline received almost 20,000 calls in 2004 (Women's Aid, 2004).

However, a number of challenges exist across the sector and findings of a recent study into the operation of the eighteen refuges by the NNWRSS, cited by O'Connor Wilson 2004, identified a number of challenges that organisations running refuges are aware of and are working to address. With no standards or regulations at a national level, this included the need to agree a set of standards to ensure best practice responses are consistent across the country. Also identified was the need to ensure that refuge services also respond to those women most marginalised in the community (O'Connor & Wilson, 2004).

Funding Issues

For most frontline services funding is a major on-going issue affecting their operation and impacting on their ability to maintain and develop their services. In 2004 almost 39% of calls to the Women's Aid Helpline went unanswered, while 40% of women seeking refuge could not be offered accommodation (Women's Aid, 2004; National Crime Council, 2005). In the study into the operation of refuges outlined above, all refuges reported that the main barrier to meeting the needs of a wider group of women was lack of resources (O'Connor & Wilson, 2004).

All frontline organisations responding to violence against women are funded through annual core funding from the Department of Health and Children through the eight Regional Health Boards. In addition, some refuges access Department of Environment and Local Government funding through local authorities which cover the cost of providing accommodation for people out of home, at a set per bed per night rate or a fixed cost per bed per year (O'Connor & Wilson, 2004).

⁵ 111 women and 353 children.

The Department of Health and Children's funding to over sixty frontline violence against women services increased by over 200% from 1996, to €11.95million in 2002. However, there has been no actual funding level increase since 2002. A joint press release issued in January 2005 by the NNWRSS, Rape Crisis Network Ireland and Women's Aid highlighted the effect of this freeze in funding:

“Domestic violence services are at breaking point. Refuges continue to provide a vital service to women in desperate situations, however limited resources affects the capacity to meet the need. It is totally impossible for the inadequate funding of 2002 to sustain services with the increased running costs of 2005.”

(Women's Aid, 2005)

In response to this funding crisis in the sector lead organisations formed a coalition and lobbied for a national cross-department, dedicated funding strand to be established to fund violence against women services. To date this funding line has not been established.

Conclusion

Domestic violence is a crime in Ireland and the civil and criminal justice system plays an essential role in the protection of women and their children. However, in many cases the legal system fails to protect women, due to inconsistencies of practice by the Gardai, delays and lack of focus on women's safety in the family courts and inadequate sentences in criminal cases. The court system can be intimidating and often prevents women from continuing with an application, however, considerations in this regard should be particularly given to women whose first language is not English.

While the NSC and RPCs were established to provide a national structure to develop responses to domestic violence and sexual assault, the development of services

throughout the country still tends to be in the main organic, often through local community based initiatives and women's groups, who are dealing with the issue at grassroot's level. Without national standards and regulations there is an inconsistency of responses and geographical spread of services across the country, with many counties having only one support service in the whole county while in two counties there are no services at all.

Similarly, with no national dedicated budget line for violence against women, funding is agreed locally with local area health offices (formerly the health boards) and the level of funding varies greatly between areas. Services are competing for scarce resources with hospitals and other health services and the overall freeze in funding to the sector since 2002 has severely affected the capacity of many domestic violence services to meet the needs of women accessing their services.

Chapter 4 - The Experience of Domestic Violence Service Providers on the Issues Affecting Migrant Women Experiencing Domestic Violence

Introduction

Increasingly in Ireland domestic violence services providers are supporting women from migrant communities. This chapter outlines service providers' experience of supporting migrant women and the specific issues and barriers emerging through this work. The chapter is divided into three sections. The first section outlines the scope of use of the services interviewed, by migrant women including the proportion of clients who are immigrant, their nationalities and route to services. Through the experiences of the service providers, this section also covers the types of abuse women are disclosing and some of the specificities identified are examined.

The second section identifies specific issues and barriers that are emerging through service provision to migrant women in Ireland. The implications of key barriers are examined both in relation to their impact on individual women and on service providers. And finally, the third section looks at current responses that have been developed to meet the needs of migrant women and discussions regarding specialised services and policy developments necessary in this area.

Section 1: Scope of use of Domestic Violence Services by Migrant Women

Introduction

Through the experience of service providers this first section outlines the extent and diversity of migrant women accessing domestic violence services, the route women take to access services and the types of support and services migrant women experiencing violence require. The types of abuse women are disclosing are also outlined and specificities relating to domestic violence and migrant women are explored.

Extent to which migrant women are accessing services:

All of the services interviewed had worked with migrant women in the past year and have seen increasing numbers of migrant women accessing their services over the past 3 to 5 years. For the majority of service providers the proportion of their clients that were migrant women ranged from between 23% to 33% in the last year. There were two services outside this range, one relatively new service reported that just less than 10% of their clients were migrant women and felt they had not been established long enough to develop links with newer communities. The second, a refuge service, estimated that on average only 3% of the women who accessed their refuge were migrant women. This particular organisation also offered a separate support and information service, with migrant women accounting for over 25% of their clients. The refuge manager explained that while women were accessing the support services actually staying in refuge seemed to be a barrier to some migrant women. Leaving their home and community to go to unfamiliar surroundings, particularly for women who are relatively new to Ireland and may have limited or no English language skills, is often too difficult and they find other types supports more appropriate.

Nationalities of women accessing services:

To provide an indication of the particular nationality groups using and under-using domestic violence services, service providers were asked for information on the ethnic background and/or country of origin of women accessing their services in the previous year. Of the services interviewed, two collect data on ethnic origin and/or nationality and collate statistics based on this data. The remaining services either record the numbers of foreign national women but do not break this down further or record information on ethnic backgrounds but do not have a mechanism for collating this information. The services that do not compile statistics estimated the approximate numbers of migrant women and countries of origin of those women based on their own experience of the trends and a sample of their case files for the previous year.

From these sources of information services identified Nigerian women as the biggest service user group in terms of migrant women, with all services having worked with women from Nigeria. All services had also worked with women from other African countries, particularly the Congo. Romanian women were identified as the second largest group of migrant women accessing services, while more recently increasing numbers of women from the EU accession countries were accessing services, particularly from Latvia, Lithuania and Poland. Other countries of origin of women who had accessed services included England, Germany, Bosnia, Iran, Iraq, Brazil, India, Mauritius, Canada, New Zealand and Australia.

Under-use of services by migrant women

In general the nationality groupings accessing the services reflect the overall trends in foreign national groupings in Ireland, for example the increased numbers of women from EU accession states fits with the rapid growth in the number immigrants from these countries. However, some nationality groups are not presenting to services, the most striking example being Chinese women. Chinese nationals are the second largest foreign nationality grouping in Ireland at present yet no service had worked with women from the Chinese community.

A research report into the needs of Indian, Chinese and Traveller women experiencing domestic violence in Northern Ireland provides some indication of factors which may be preventing Chinese women from accessing services here. In this study factors including the tight-knit nature of the Chinese community, lack of culturally appropriate services and lack of awareness among Chinese women of the existence of domestic violence services were major barriers for Chinese women in seeking help (Morton, 1997).

Domestic violence service providers themselves are aware of these issues and are aware that many migrant women from a variety of countries are not accessing services here. As one worker noted in relation to the current number of migrant women accessing services, "it is only the tip of the iceberg we are experiencing in our service". While there are many issues preventing migrant women from accessing support in this situation, the need to inform migrant women of their rights, of the services available and that domestic violence is a crime here, are seen as key by service providers. Workers advised that many

women told them they had not expected to have support services in Ireland as there had not been similar services available in their home countries. In many cases when women accessed services they were unaware of their rights and the options available to them in terms of safety and legal protection. Service providers pointed out that in many cases when migrant women were informed of their rights they did not go back to their abusive partners.

Route to domestic violence services:

With lack of information and awareness on domestic violence services identified as a key issue for migrant women, the route taken by migrant women who do present to service provider, offers insight into how information is successfully disseminated in some cases. The services interviewed reported a variety of ways by which migrant women access their services.

Most common is by referral, with many migrant women receiving information from a range of agencies including Citizen's Information Centres (CIC's), Helplines, the Gardai, social workers and hospitals, particularly maternity hospitals. All of the services spoke highly of CIC's, outlining that they respond effectively in general to cases of domestic violence and often refer to the appropriate services, but also offer good information for migrant women on their rights and entitlements. Workers reported that many of migrant women also hear about services through word of mouth and community networks and advised that once a service became known within a community women who lived locally would access that service directly.

In situations where a domestic violence service is located in a centre that provides other services to women, (for example) Longford Women's Link, this offers an opportunity for the domestic violence service to be safely promoted to diverse groups of women using other facilities within the centre. In the case of Longford Women's Link the domestic violence service works closely with the refugee support service within the same organisation, making it easier to respond to the needs of migrant women on a range of issues. Other routes to domestic violence services included women accessing information leaflets and posters and some services have developed leaflets in a number of foreign languages.

The types of services migrant women are accessing

Frontline domestic violence services provide a range of services to women including refuge accommodation, support, information, court accompaniment, helpline and advocacy. Service providers reported that when migrant women do seek help from their services they generally access the same types of services as Irish women, particularly one to one support, information and advocacy services and helpline.

However some types of services are less likely to be accessed by migrant women due to specific barriers facing some migrant women experiencing domestic violence. In particular, service providers find that migrant women are less likely to access court accompaniment as in many cases women are afraid to go to court in case this puts their residency in danger. Also, some refuge services reported that migrant women, particularly African women, do not want to go into refuge or emergency accommodation. As outlined earlier, being isolated from their community, going into an unfamiliar environment and the stigma associated with leaving the family are barriers to accessing refuge.

Types of abuse disclosed by migrant women

It is clear that violence against women affects women of all nationalities and ethnic backgrounds and the nature and patterning of domestic violence is similar throughout the world. However, as outlined in chapter 2, violence against women can reflect distinct cultural differences and specific circumstances including social and cultural pressures which can affect women's experience of violence. In order to gather information on specific experiences or forms of abuse experienced by migrant women service providers were asked what types of abuse migrant women were disclosing and, if culturally specific forms of violence, for example, FGM are being disclosed.

Physical Violence

All of the services advised that in general migrant women are disclosing the same types of abuse that Irish women experience in situations of domestic violence. They experience physical, sexual, emotional and financial abuse with many women subjected to multiple forms of abuse. However, while the types of abuse are the same, the majority of services' noted that migrant women experience a greater level of physical violence and that it is ongoing, extremely dangerous and less hidden. The following quotes from service providers reflect their experience:

The Irish I meet it's a combination of everything, but the violence would not be as consistent. With the women coming from different nationalities it's ongoing, the physical violence is ongoing and extremely dangerous, as in it could be life threatening.

(Longford Women's Link)

A lot of Irish men are cute they kick them or punch them in the body but not where it will show but a lot of non-national men don't seem to care because there is nobody going to sanction him.

(Rathmines Refuge)

It would be more physical...It would be physical abuse and not so hidden and with not very many attempts to hide either whereas with other women sometimes it is less obvious.

(Women's Aid, Dundalk)

Tolerance of violence against women reflected in a lack of sanctions was suggested as reasons for the higher levels of physical violence. Workers also reported that often women disclose that the abuse has increased since coming to Ireland and that their husbands' reason for the abuse is to ensure that they do not take on the ways of European women.

Sexual Abuse

In the first Irish national survey in 1995, Kelleher and O'Connor found that the extent of sexual violence was likely to be underestimated as there is still a great silence surrounding the issue of sexual violence, particularly in naming sexual violence within intimate relationships. Similarly, in this study service providers noted that the extent of sexual violence was not being disclosed as migrant women, and in particular African women, found it very difficult to speak about sexual abuse. Language barriers and the presence of interpreters in support sessions added to the difficulties for women in talking about sexual abuse.

However, one worker did report that the sexual abuse disclosed by some migrant women is very severe and she was concerned that a lot of women were being forced into prostitution. While women had not openly disclosed this, they had been touching on it, disclosing that their husbands had brought strange men to their homes. As sexual coercion and abuse are defining features of many women's lives these concerns are well founded, particularly in light of additional structural barriers facing some migrant women to living independent lives. As Ellsberg and Heise (2005) highlight the touchstone of coercion is that women lack choices and face severe physical, social or economic consequences if they resist sexual advances.

Emotional Abuse

Another woman I was only speaking to this week, she came from Asia, her husband is from Asia also and they have been living in Ireland for the last 14 months, her husband's actually a doctor. And like that horrific abuse, this woman is kept locked in the house, maybe for days she would be locked in the house, she had no access to other people here.

(Women's Aid)

For many women emotional abuse or the threat of violence can be more frightening than actual physical violence and controls and undermines women just as much as actual acts of violence (Kelleher and O'Connor, 1995). There were many cases reported throughout the interviews of extreme emotional abuse, including cases of women being forced to stay in their homes, being forbidden from talking to anyone, or from

accessing employment, education or training. Isolation is a common tactic used by abusive men to abuse and control their partners and for migrant women who do not have family or friends here and do not speak English, the isolation is extreme and can keep them trapped in the abusive relationship.

A further threat used by abusive men to control and prevent their partners from accessing help is the threat of taking the children back to their country of origin. Three different services gave examples of cases where men had used the threat of abducting the children as a way of controlling the woman, in one case the child was actually abducted.

We had a woman who accessed support from our service and she was married to a doctor who was very wealthy, she herself was a doctor but she wasn't allowed to practice, he, her husband, wouldn't allow her to practice. But she was afraid to try to get help because she was afraid that he would take the children back home and that would be the last she would see of them.

(Meath Women's Refuge)

I have had a woman where he actually tried to take the kids but he wasn't able to actually go through with it, he was going to take them home but he didn't thankfully but that threat was quite real and there was actually garda involvement, social worker involvement and stuff like that. So I mean if those services hadn't been accessed you don't know what the outcome would have been.

(Women's Aid, Dundalk)

The man was given access, and while the judge did listen to the extent that he said the access did have to be supervised. But unfortunately because of the fall down in this country, there is no-one to do supervision, so the woman had to go and do the supervision. The woman went with the child and met the man in a hotel in XXXXX and while the 3- year old was distracted by the door by someone outside, obviously there was someone outside, the child ran out, and the woman did not see her child again until 18 months after.

(Women's Aid)

The last case also highlights the intersection between domestic abuse and custody and access issues, with access arrangements and lack of supervision in some cases providing perpetrators with the opportunity to further abuse their partners.

Culturally specific forms of violence

In relation to culturally specific forms of violence dowry related abuse is the biggest issue that migrant women are presenting with. A number of services had worked with women from Asia and Africa who had experienced dowry related violence. Issues relating to dowries made it extremely difficult for women to leave their relationships and seek support from their families. Often women and their families experienced further abuse from their husbands and their families because they still required payments or wanted a higher price than originally agreed even where the marriage had broken down due to abuse.

One woman, having escaped from her abusive husband, went back to her country of origin, while her family supported her they experience an awful lot of harassment from her husband's family because of the dowry....she actually felt to keep her family safe she left India and came back to Ireland.

(Women's Aid)

The issue of FGM had been noted by a number of services, while women have not been presenting FGM as an issue for themselves, services had worked with women who were accessing help because they feared that it would be done to their daughters. The practise of FGM is still widely practised in many African countries and many women flee in order to protect their daughters from this form of violence (Child and Women Abuse Studies Unit, 2006). Workers felt strongly that gender related abuse, including domestic violence, should be taken into account when seeking refugee status, as women often had suffered severe abuse and faced extreme danger from husbands or other family members if they returned to their country of origin.

SECTION 2

Issue emerging from Domestic Violence Service Providers' Experience of Working with Migrant Women

Introduction

The first time I met that woman she said 'I can't bear this anymore but I know you can do nothing for me', now she was quite badly beaten at the time....it (status and social welfare restrictions) is holding women there, you know that they are living in such dangerous circumstances because they feel like they can't leave.
(Longford Women's Link)

For many migrant women coping with their partner's violence and attempting to seek support and protection is compounded by the additional barriers that they face such as of immigration status, restrictions on access to social welfare, no independent right to work, language barriers, isolation, racism and cultural factors. This section explores three main issues emerging from this study for migrant women experiencing domestic violence and their implications for migrant women and for domestic violence service providers.

1. Immigration System

The issue of how immigration status connects with domestic violence emerged as a key theme for all service providers in this study. The immigration system and policies in Ireland posed significant problems for women in situations of domestic violence by intensifying the known difficulties of acknowledging, speaking out about, and escaping domestic violence in four key ways.

Firstly, for many migrant women, especially those who have relatively recently entered the country, lack of knowledge of rights and entitlements and of where to go for advice, linked to language skills, makes accessing services very difficult. Even when migrant women can speak English and have knowledge of the systems here, lack of information or inconsistent information on rights and entitlements and poor service from state and other agencies presents significant barriers for migrant women in obtaining help.

As discussed in chapter 3, immigration is a relatively new phenomenon in Ireland and immigration legislative and policy development has been largely ad-hoc and reactionary. With many Irish immigration policies and procedures not laid down in primary legislation but left to discretionary policies with limited guidelines, providing and receiving information can be a highly complex issue for migrant women and for the services supporting them. Service providers advocating on behalf of migrant women experienced difficulty in obtaining information, with agencies either not aware of the specific rights and entitlements attaching to different categories of immigration or providing incorrect information. This service provider's description of problems they faced accessing information reflects the problems expressed by all.

The barrier really is in getting information on residency, on what the woman is entitled to. It is really difficult to get this information, we don't have information on the difference between the entitlements for refugee women, women with work permits, dependent spouses, women with no permit. The departments need to give training and information on what exactly are the differences. It is also really hard to get answers, it is really hard to get through and when you do you get passed from one to another. When we work with women we try to get them help as quickly as we can and get them answers as quickly as we can, that is the way we work, but it is really hard to get information for them in relation to this.

(Meath Women's Refuge)

Secondly, the threat of being deported affects women in terms of exacerbating their distress and sense of insecurity and uncertainty. For women whose immigration status is dependent on their spouse, not only does this give an opportunity to their partners to further abuse and control them, it severely curtails their options. Currently, there is no protection under immigration law for dependants where the marriage breaks down even in situations of domestic violence. As a result the legal protection available to women experiencing domestic violence is often not availed of by migrant women due to fear that it will put their residency in danger. Many women will not apply for protection through a court order due to fear that if their partner breaches an order and obtains a criminal record the whole family will be deported.

A big issue for women is if they come here and they are actually under their husband's working visa they have no rights to any social welfare or anything in this country, they are basically here under his visa. So women are afraid to access protection from the courts because if it is brought to light they may be put out of the country.

(Meath Women's Refuge)

Thirdly, as a consequence of fear of deportation and restrictions relating to immigration status the options available to women in terms of protection are severely restricted. This can impact greatly on service providers' ability to help migrant women. Firstly, uncertain immigration status and fear of deportation often make it difficult to establish trust with clients and, in some cases, women were reluctant to disclose details of their situation to the service provider. Secondly, the usual options open to women experiencing domestic violence, for example, applying to the courts for legal protection, organising refuge or accessing rent allowance are often not available to migrant women.

This presents difficulties for workers in identifying options that keep women safe. One example being if it an abusive partner is extremely dangerous and it is not safe for the woman to stay in Ireland, services will often find refuge for a woman in the UK or Northern Ireland, however, this option is often not available to migrant women who would lose their status if they left the country. One worker described her sadness and frustration at the current situation.

I think the saddest one of all is that I have say to a woman that I will work with you to stay living in that situation, when for so long my main agenda was to get women out of situations and keep them safe, and it is very hard to do.

(Women's Aid)

Lastly, social welfare restrictions that are linked to immigration status are a significant issue for both migrant women experiencing domestic violence and for service providers. Again these restrictions severely curtail options available to women experiencing abuse and in turn limit the help that service providers can offer.

Social Welfare Restrictions

Social welfare restrictions are the biggest one of all, that is the biggest barrier of all. Because if social welfare restrictions were not here then I could say to a woman, you can go to a community welfare officer, leave him you can get a deposit on an apartment or a flat, you can get social welfare in your own right, and that woman would be able to leave. So that is the biggest restriction definitely.

(Women's Aid)

In national research, commissioned by Women's Aid in Ireland in 1995, the top two reasons why women did not leave violent partners were, having nowhere to go and economic dependence (Kelleher and O'Connor, 1995). With the introduction of restrictions to social welfare payments many migrants are unable to access social welfare benefits. For migrant women experiencing domestic violence this has extremely serious consequences, with no access to social welfare payments or rent allowance women have often very little choice but to remain in violent relationships.

In this study, both migrant women and domestic violence services noted that social welfare restrictions were a major barrier to migrant women who experience domestic violence as they restrict migrant women's options. As outlined in chapter 3, funding to frontline domestic violence services has not increased since 2002 and many services are stretched to breaking point. In the current funding climate refuge services are more reliant than ever on social welfare payments, to residents to meet their day-to-day living costs and are often unable to support women who are restricted from social welfare benefits. In cases where women are restricted from social welfare payments or receive very limited payments it means that refuges are faced with either turning the woman away or depleting already scarce resources. This refuge provider's example demonstrates the reality of these restrictions.

We had a woman here from Brazil and she had a small baby, she was not able to access social welfare and she was only getting €19.50 per week, but the baby formula is €13 and nappies and so on. So we bought them for her, but we couldn't afford to do this long term. If a woman is waiting for a house with XXXX for

example she could be here for a few months, so we could not afford to keep her for this length of time if she had no access to social welfare, so it means we have had to turn women away.

(Meath Women's Refuge)

Often a critical service for women trying to leave violent relationships is the Community Welfare Service, whose main role is to provide income maintenance for families in need and to alleviate financial stress (Kelleher and O'Connor, 1995). The social welfare restrictions outlined above affect all means tested payments including Health Board payments, for example, Supplementary Welfare Allowance, however, lack of guidelines in this area mean that restrictions are being inconsistently applied with different decisions being made in similar cases. In this study, half of the services had experienced difficulties and had been refused payments by their local Community Welfare Officer (CWO) for migrant women. As a result one refuge service has had to turn women away. The other services interviewed were generally able to secure emergency payments for migrant women affected by the restrictions through their CWO.

The response of CWOs on this issue seemed to depend upon their understanding of violence against women and their relationship with the domestic violence service provider. Three services reported that they had very good relationships with their local CWO. They found the CWOs helpful to women who were subject to social welfare restrictions and tried their best to find interim measures to ensure the women got social welfare payments. However, the other services interviewed had not found their CWOs helpful and had not been able to access social welfare payments for some clients. As already outlined Meath Women's Refuge has been unable to access funds for migrant women from outside the local area and have had to turn women away. Service providers noted that lack of understanding of domestic violence and the specific barriers facing migrant women in this situation had much to do with the negative response on this issue. These findings highlight the importance of introducing measures that ensure that migrant women in this situation be automatically deemed compliant with the Habitual Residency Condition and therefore able to access Health Board payments such as supplementary welfare, rent allowance, medical cards and other social welfare payments. It also highlights the importance of training for CWOs on the issue of

domestic violence. In *Making the Links*, 1995, community welfare officers' themselves identified the importance of training on this issue, as illustrated by the following quote:

"Training is important for our job. We are aware that we are in the front line and that we are often the first service which women who are subjected to domestic violence come to. How we respond is very important. If a woman does not receive a positive response, she can become disillusioned and give up her attempt to seek help"

(Kelleher and O'Connor, 1995, p. 82).

2. Language Barriers and Isolation

While immigration status and social welfare restrictions were highlighted as the most significant issues for migrant women, service providers acknowledged that isolation and language barriers also presented as major issues for many migrant women and impacted on every stage of the help seeking process.

Workers advised that while it is not uncommon for women experiencing abuse to be very isolated, particularly women living in rural areas, specific factors relating to the situation of migrant women, including language barriers and lack of family networks in this country, often made the isolation more extreme. This is a significant factor in seeking help, as research has shown that in situations of domestic violence women who report violence are much more likely to report it to a friend or a relative (Kelleher & O'Connor, 1995). One service provider describes the impact of isolation and lack of support networks on women's experience of violence and of trying to leave.

...They don't have any networks or good friendships or families to tap into once they have left the violence or when they are in the situation. But even once they have left, they are kind of on their own and I think that often pushes women back into the situation again because at least they can speak their own language and feel a sense of belonging.

(Waves)

In addition, service providers reported that for some women the fear of rejection from their communities due to the shame and stigma associated with marriage breakdown increased women's fear of isolation. In some communities a marriage break up is viewed as extremely shameful for the woman and her family, even in situations where abuse had occurred, which make it very difficult for women to disclose abuse and adds considerable pressure to stay in violent relationships.

Language Barriers

As part of abusive tactics to control their partners' lives many abusive men prevent their wives/partners from integrating in any way into the surrounding community and many are denied access to employment, education or training. With no opportunity to mix with people or to access language classes women who do not speak English often have little opportunity to learn. The following case reflects many similar cases

outlined by service providers and highlights the impact that language barriers have on service providers' ability to respond effectively to migrant women experiencing domestic violence.

She couldn't speak English, because he kept her house bound she wasn't even allowed to go shopping. Her kids had perfect English, she had none and we did the basic communication through her teenager, but that wasn't any help to us when we were trying to do personal work with her, naturally your not going to be having a child in on the those sort of situations.

(Rathmines Refuge)

Women accessing domestic violence services require a range of practical and emotional advice and support, and when language is a barrier the support workers have difficulty providing information and support. As in the case above, refuge services reported that often migrant women's children have good levels of English and are used to interpret general information to their mothers in some situations. However, it is not appropriate for children to be present when their mother is disclosing personal information particularly regarding details of abuse she has suffered and so services need to communicate through an interpreter in these situations.

All of the services interviewed use interpreters and translation services to work with women who do not speak English and this works well for translating practical information such as legal and social welfare entitlements. However, this does not resolve the difficulty of supporting women emotionally to deal with the impact of domestic violence and often the presence of an interpreter added to difficulties for women and workers when dealing with very personal and emotional issues.

When an interpreter is present as well that poses a problem too because you are not emotionally supporting the women, all you are doing is, it is just an information session. And then if a woman does get upset and start to cry you can't interpret that through an interpreter, so the whole situation is extremely hard, it is very difficult for women and they are not getting the same service that an Irish woman will get.

(Women's Aid)

Service providers are developing some initiatives to address the problems raised by language barriers and these are discussed in section 3.

3. Racism

For many migrant women it is not only the loss of their community but fear of isolation and racism within the majority community that stop them from accessing support and leaving the violent relationship (Burman, 2004). In research carried out in England into service provision to Black women, women reported experiencing racism while using domestic violence services from other residents and workers, in localities when re-housed and children faced racism in schools. Rejection from their own communities led to the further isolation of women and made it harder for them to re-establish themselves (Rai & Thiara, 1997).

Institutional Racism

One important part of the practice of racism involves the stereotyping of people based on negative stories and generalisations. In the experience of domestic violence service providers in this study, negative responses experienced by migrant women from state agencies draw upon racialized stereotypes based on assumptions that migrants are dishonest and scroungers. As this worker's description of how her client was treated when she tried to claim social welfare demonstrates: "they just treat her like she is coming in to rip off the system".

Often racism is covert with migrant women being treated differently by state agencies and subjected to more stringent application of rules and regulations in relation to their cases. In situations of domestic violence it is not uncommon that women have to flee their homes and do not have time to collect personal belongings. However, this is often not taken into account with state services demands for original documentation. Workers felt that a higher burden of proof is demanded in cases where women are foreign nationals, examples included undertaking spot checks, looking for proof of whereabouts of husband, looking for a variety of forms of identification and making women call into office to collect welfare rather than issuing a postal payment.

Domestic violence support workers are assisting women through support and advocacy to negotiate the systems. However, when confronted with such negative responses, combined with additional barriers of immigration and social welfare restrictions, it is not surprising that migrant women often lose confidence in the systems and give up. Domestic violence service providers highlighted that often women needed workers to advocate on their behalf even though they were capable of doing it themselves due to the racist treatment they receive. It is vital in tackling racism and discrimination that all government agencies develop specific anti-racist policies and practises and train all staff on these issues.

Racism within Domestic Violence Services

While racism was identified by workers as an issue when dealing with state agencies and other professions, none of the services interviewed saw racism from staff or residents within their own services as a major issue. Two of the refuge services reported that there had been isolated incidents when migrant women first began accessing their services but that these had been dealt with quickly. These services advised that they had anti-racism policies in place and made it clear to all residents that the refuge is a place of safety for everyone and racism is not tolerated.

Having anti-racism policies in place is an important step towards tackling racism and it is very positive that some of the services interviewed had policies in place. However, the research carried out in England, in 1999, found that while most refuge support services had policies in place they remain a statement of intent and few had worked out ways of implementing them in practice. In the same study one of the issues to emerge was the reluctance of workers to challenge racist behaviour by residents and often Black workers or women were left to tackle it themselves (Rai & Thiara, 1999). In light of these findings it is important for Irish domestic violence services to ensure that, firstly anti-racism policies are in place, but also that clear practical guidelines and a commitment to implementing policies are also prioritised. Also it is important that the development and evaluation of policies and practices include Black and Minority Ethnic workers and women using the services.

SECTION 3

Specialised Responses The Needs of Migrant Women.

Introduction

As outlined in chapter 3, the change in Ireland's demographic make-up, moving from being one of the most homogenous countries in the EU to a country with a diverse population base, has happened very rapidly. The majority of domestic violence services providers interviewed for this study reported that the first migrant women only started accessing their services as recently as 5 years ago and that numbers have increased in the last 3 years. As a result, responses to many of the issues emerging through providing services to a diverse mix of migrant women are only starting to develop. This section outlines some of the responses developed by the domestic violence service providers interviewed and discusses the appropriateness of specialised services similar to those developed in the UK. And lastly, the policy issues identified as priorities in this area by the service providers are outlined.

Addressing language and Interpreting Needs

Language presents a considerable barrier for women at all stages of the help seeking process and in order to access and respond more effectively to women whose first language is not English, services are developing a number of initiatives aimed at improving the accessibility of information and services. Firstly, the majority of service providers have or are in the process of translating their information leaflets into different languages. Some refuge services are also translating their handbooks into a number of languages to ensure that women understand the safety and housekeeping procedures in refuge and to communicate the various services available.

However, there were some limitations identified with the translation of information. It does not address the needs of women with literacy issues and in these cases the only way to communicate is through interpreters. Services feared that by advertising in a specific language they were raising expectations that their service was available in that language when it was not. Lastly, changes in immigration are happening rapidly and pre-dominate

nationality groups have changed in a relatively short time, changing and increasing the range of languages spoken in Ireland.

Secondly, to improve the accessibility of services, interpreters are provided for meetings and support visits with women whose first language is not English. Two of the services interviewed are currently developing a volunteer base of translators and interpreters, one through local advertising and the other through links with women's groups. This will give the services an opportunity to select and train interpreters on the issue of domestic violence and appropriate responses. On-line translating services are also used when an interpreter is not available or to communicate with women in refuges regarding day to day matters.

However, as outlined earlier, there are a number of limitations with using interpreters, particularly in relation to discussing very personal details and offering emotional support through an interpreter. Workers often feel that they are unable to truly support women when language is an issue. Also, some women have concerns regarding confidentiality and do not feel comfortable with an interpreter from their own country, this can add to women's distress and fears around safety. A further issue for services is the high cost of using interpreters. This issue is discussed in more detail later in this section.

Acknowledging Cultural Diversity

Recognising and respecting cultural difference and enabling women to exercise their cultural and religious needs are important in offering good support to migrant women. Research in England showed that for many Black and Minority Ethnic women a culturally comfortable environment meant being able to do things in culturally familiar ways (Rai & Thiara, 1997).

All of the services interviewed in this study expressed the importance of meeting the different cultural needs of women accessing their service to make women feel as comfortable as possible. Arrangements made to meet diverse needs included refuge services keeping cooking utensils and emergency stocks of food to meet different cultural and religious needs, displaying welcome signs in different languages and pictures and posters portraying images from diverse backgrounds. Workers advised that they were

learning to change as needs changed but still felt that they had much to learn about different cultures and religious beliefs.

While provision of culturally sensitive facilities is an important step, Rai and Thiara, (1997) found that having an understanding of cultural awareness does not minimise the expression of racism. And so in conjunction with providing for cultural needs organisations also need to create a culture that is free from racism if migrant women are to truly feel comfortable.

Recruitment of Workers and Volunteers

Some services identified the need to increase the diversity of staff and volunteers in their organisations and are developing links with migrant led organisations and women's groups to both generate awareness of their services and also for potential recruitment of staff and volunteers. This is an important development as Rai & Thiara's research showed that employment of staff from Black and Minority Ethnic communities was reported to be of great importance and often led to a rise in the number of enquiries/referrals by and of women from similar backgrounds (Rai & Thiara, 1997).

Lack of Resources

While service providers are developing good responses where possible, the majority of services interviewed reported that the main barrier in meeting the needs of a wider group of women was lack of resources. The problems associated with lack of resources were twofold. Firstly, services could not undertake vital development work to make their services more accessible to migrant women. For example, a number of services reported that they would like to establish links with local immigrant communities in order to raise awareness of their service and also work with the communities on the issue of domestic violence, but do not have sufficient resources to undertake this work.

Secondly, services' scarce resources are being further depleted by the costs associated with overcoming the additional barriers facing migrant women. Providing services to migrant women who are unable to access social welfare payments is a significant issue for refuge services and is difficult to sustain. Other costs incurred in responding to migrant women's specific needs such as translation, interpreters and travel costs had to be paid for from general running costs of the service.

If services are to meet the needs of migrant women it is vital that funders recognise that due to the additional barriers facing many migrant women, this work is more labour intensive and has clear resource implications. It is also critical that for women in situations of domestic violence restrictions to social welfare are lifted to ensure refuges can support these women.

Specialist Support Services

As outlined in Chapter 2, one response to meeting the specific needs of Black and Minority Ethnic women in England was the establishment of specialist services, with a total of 50 specialised refuges out of 250 refuges projects by 1999 (Rai & Thiara, 1999). Following discussions regarding the difficulties in providing appropriate responses to migrant women all of the services interviewed were asked if they thought there was a need for specialised services to respond to the specific needs of migrant women. When asking this question the interviewer gave the example of specialist refuges in England.

The majority of services thought that this was not necessary and would not be a helpful development. Their main concern was that it would segregate and marginalise women further and could make the women accessing the service feel different. It was felt that one of the positive outcomes for many migrant women who accessed support services was that they got to meet with a diverse group of women and had an opportunity to challenge cultural norms and values in relation to gender inequality and acceptance of male violence. A number of services compared specialised refuges to similar initiatives undertaken with women from the Travelling community that they felt had not been successful.

However, one of the workers interviewed in this study had experience of establishing and working in an Asian refuge in the UK. She describes how in her experience rather than segregating or marginalising women specialist refuges offered a more inclusive response.

It isn't about separation or integration or any of that kind of stuff - it's about empowerment - it's about creating a resource that women can identify themselves what they need and you can provide a service that matches those needs- I worked with hundreds of Black women who used Black women's refuges - and it made such a difference to them.

(Waves)

Research into the experiences of Black women and children using refuge support services supports this analysis. The Research found that having cultural and religious needs met was an important factor shaping the quality of the experience of using refuge services and that language support received in specialised refuges lessened the women's sense of isolation. This research also found that many mixed refuges had a colour-blind approach in their work stating that they treated all women alike regardless of culture (Rai & Thiara, 1997).

While all of services in this study are responding to a diverse group of women and have developed initiatives specifically to address some of the barriers experienced by migrant women they are also experiencing difficulties providing appropriate responses. The research above does make a case for specialist services and could address some of the issues highlighted earlier in relation to some migrant women's reluctance to access refuge. However, it is also important to accept that not all women will want to leave their home and communities and so different strategies need to be developed to meet the needs of migrant women.

While the majority of services did not support the idea of specialised refuges, all agreed that it was important to develop links with ethnic minority communities and develop specific responses. Many services reported that they would like to develop ways of supporting women in their community by working alongside existing women's groups through outreach programmes. Such initiatives should help to give migrant women an opportunity to voice their needs and develop services that are appropriate to their situations. However, a major barrier to progressing this work is a lack of resources and difficulties raising money for a specialised service when existing services are already under funded.

Lobbying and Policy Issues

Finally, service providers were asked to identify what they see as legislative and policy priorities in relation to the specific issues facing migrant women. For all of the service providers the most critical issues for legislative and policy change are the introduction of protection for women who are experiencing domestic violence with insecure or dependent status and the lifting of restrictions to social welfare for these women. Workers reiterated that until these issues were addressed women will be forced to stay in extremely dangerous situations and that their work in supporting migrant women will continue to be severely restricted. One refuge manager described how this issue is critical to service provision.

It would be their status, you know, that we would be able to provide a service to all women equally, regardless of their status. That shouldn't be a barrier for us or for the women to access the service and stay safe for themselves and their children.

(Meath Women's Refuge)

Service providers also identified the following as key training and information provisions which should be introduced:

- Training and awareness sessions with state agencies in relation to the specific issues affecting migrant women experiencing domestic violence and also training on anti-racism and culturally appropriate responses.
- Provision of clear information on rights and entitlements relating to various types of immigration status, which should be made available to immigrants and service providers.
- Provision of information to migrant women on entering Ireland on their rights and entitlements including information on domestic violence legislation, policies and services.
- As well as informing women, workers felt it was equally important that men in the immigrant community were informed of women's rights and that domestic violence is illegal here. The Gardai and community leaders were

identified by service providers as crucial in delivering this message and should be lobbied on this issue.

Conclusion

This chapter of the report has identified domestic violence service providers' experience of the issues affecting migrant women experiencing abuse. As the first research study into the experience of domestic violence service providers on this issue in Ireland, it provides useful insight into the scope of use of services by migrant women and the specific issues affecting them. While identifying the specific barriers for migrant women, service providers also outline the impact of these barriers on service provision. In particular the restrictions relating to immigration status and social welfare entitlements are severely curtailing the options available to service providers when working with migrant women and in some instances are preventing services from providing support to them. Institutional racism, language and cultural barriers further compounded difficulties accessing protection and support for migrant women.

Service providers are developing specific responses to address some of the barriers to providing services to migrant women, particularly in relation to addressing language and cultural needs. However limitations to these responses are identified in the study, with lack of resources presenting as a major obstacle. Other limitations identified in meeting the specific needs of migrant women raise questions regarding the appropriateness of homogenise domestic violence services for all women. While this research study however does not explore this question in great detail, it does highlight a need for further research into the types of service responses required to meet the needs of migrant women.

Chapter 5 - Conclusion and Recommendations

Conclusion

Immigration is changing the nature of frontline domestic violence service provision in Ireland, both in terms of the needs of women accessing services and the appropriate models of service provision. It is clear from this research that many migrant women from a variety of countries and cultural backgrounds are accessing domestic violence services, with migrant women now accounting for one quarter of all clients accessing the majority of services in this study. This is presenting service providers with an opportunity to develop learning on the specific issues affecting migrant women in this situation. A number of issues are emerging through this learning which highlight the major structural barriers facing migrant women experiencing domestic violence.

Firstly, the largely discretionary nature of the Irish immigration system presents unique difficulties both for women and service providers in establishing rights, entitlements and protections for migrant women experiencing abuse. With no protections yet in place for women whose status are dependent on their husbands/partners or for those restricted from social welfare payments, options for keeping women safe are severely restricted. A key finding of this report is that, while there needs to be improvements in Ireland's domestic violence legislative and policy framework for all women, there are specific failures in this system for migrant women linked to immigration legislation, policy and procedures.

Some easy changes in these areas could improve the protection and options available, most notably measures to ensure that all migrant women (documented or undocumented) who experience domestic violence and whose immigration is dependent on their spouse to be given temporary leave to remain. Conditional to the success of this measure is access to social welfare benefits. These measures, that offer women protection and recourse to public funding in situations of domestic abuse, can and are being granted by the state. However such decisions are reliant on the discretion of individual state officials and not set down in statute or policy

guidelines. Whilst some service providers have found the relevant departments to be flexible in their approach in situations of domestic violence there are no guarantees of protection, no clear criteria or process of application and no independent appeals mechanism. The precedent created by existing cases, where temporary leave to remain is granted in order to protect women experiencing violence, should be now formalised and made generally available. The opportunity to set down clear guidelines for such circumstances clearly exists in the pending Immigration and Residency Bill, which is expected to come before the Dail in the Autumn.

Secondly, other obstacles including language and cultural barriers coupled with racism in wider society exacerbate women's fear of isolation and often prevent women from leaving violent relationships. Domestic violence services are developing responses to address some of these barriers, however lack of funding is a major barrier to meeting the needs of a wider group of women. For specialised responses to develop, service providers need to be resourced to support women in their own communities and to undertake inter-agency work with a wide variety of agencies and community groups.

Lastly, a core principal of the Violence against Women sector is that models of service provision and policy development and policy changes are informed and developed through the experience of women accessing services and from the experience of workers delivering those services. It is essential therefore to progressing appropriate service responses and policy priorities on the issues affecting migrant women, that migrant women are central to the development, delivery and evaluation of domestic violence service provision. The domestic violence sector as a whole needs to politicise around the issues affecting migrant women experiencing domestic violence and service providers responding to their needs.

Recommendations

The following recommendations draw on the findings of this research. They include legal, policy and practice measures, which if incorporated into the immigration system, could reduce the structural barriers facing migrant women experiencing violence. They also include policy and practice measures for frontline domestic violence services to improve the accessibility and appropriateness of their responses to migrant women. It is important to reiterate again, that this study has focused on the issue specifically affecting 'migrant women' as defined in chapter one. However many of the issues and recommendations also apply to racial minority women who are not immigrants according to this definition and to other ethnic minority women, particularly women from the travelling community.

Research into the Experience of Migrant Women and Domestic Violence

- This research study is small in scale and there needs to be further investigation/exploration into the experience of migrant women in situations of domestic violence. This research should include investigation into the types of services required and developments in other jurisdictions.

The Immigration System: Legislative and Policy Change

- Ireland's legislative and policy response to immigration should come from a rights based approach, whereby the rights and entitlements of those most affected by immigration legislation and policies are at the centre of their development.
- The forthcoming Immigration and Residency Bill presents the Department of Justice, Equality and Law Reform with an opportunity to introduce clear legislative and policy measures to allow immigration rules to accommodate the needs of victims of domestic violence. These measures should include that all migrant women (documented or undocumented) who experience domestic violence and

whose immigration is dependent on their spouse should be given temporary leave to remain. The evidence required to prove that a woman and her children are victims of domestic abuse should take into consideration the issues outlined earlier in this study and should consider the learning from other jurisdictions.

- The Department of Social and Family should ensure that all migrant women and children who are experiencing domestic violence should be automatically deemed compliant with the Habitual Residency Condition. And therefore able to access Health Board payments such as supplementary welfare.
- Development of a more flexible migration system so that female spouses of migrant workers can work and women in situations of domestic violence should be given the right to work.
- Representatives from migrant led organisations should be given a place on the National Steering Committee and Regional Planning Committees on violence against women, to ensure that migrant women are represented and their issues included in policy development.

Information on Rights and Entitlements

- The Government should produce an information guide on rights and entitlements to be given to all new female migrants on entry to the country. This guide should include information on domestic violence including legal options and support services available (i.e. The Department of Social Affairs, Comhairle or National Steering Committee on Violence against Women).
- Government agencies, particularly immigration and social welfare services, need to ensure that staff are more sensitive to the needs of migrant women. This could be achieved through training and specific guidelines setting out the rights and entitlements attaching to various categories of immigration and highlighting the

specific issues that women are likely to face including issues in relation to domestic violence.

Resources

- The Health Services Executive should increase annual core funding to frontline domestic violence services to reflect increased running costs since 2002. Funding also needs to be increased to provide for the additional high costs of providing specific services to meet the needs of migrant women.
- The six government departments⁶ that have a role in responding to, and preventing violence against women, should develop dedicated budget lines for responding to the needs of migrant and ethnic minority women. Including providing funding to frontline services to develop ways of supporting women through outreach into the community, working alongside existing migrant women's groups and networks, to develop services that are appropriate to women in those communities.

Frontline Support Services Responses:

Statistics

- Gathering statistics on the nationality and ethnic background of women accessing a service is a mechanism by which a commitment to racial equality can be assessed and taken forward. Monitoring can act as a barometer of a service and enable it to gauge the extent to which it offers equality of opportunity; it highlights gaps in service provision and assists in the development of future strategies and their evaluation. It can assist in establishing the main users of the different areas of the service and to identify gaps and the level of under-use of the service by particular groups and establish the reasons for this.

⁶ Department of Health and Children, Department of Justice, Equality and Law Reform, Department of the Environment, Department of Education and Science, Department of Social and Family Affairs and Department of Community, Rural and Gaeltacht Affairs.

Anti-Racism

- Support services should develop specific anti-racism policies and practice to ensure that racism and discrimination are dealt with effectively. Policies need to cover employment practice as well as service delivery. As part of the introduction of anti-racist policies and practises, anti-racist training should be provided to all staff on an ongoing basis.
- Black and Minority Ethnic clients, workers and volunteers should be involved in the development and evaluation of anti-racism policies and practices.

Addressing Language and Cultural Needs

- Recruitment of staff and volunteers to reflect the diversity of women accessing services should be considered by service providers to improve the accessibility and cultural appropriateness of services.
- New initiatives should be explored and guidelines developed for recruiting and training interpreters to work specifically on the issue of violence against women.
- Catering for culturally specific needs by refuge services should include provision of separate religious areas from women if they need them, the opportunity to celebrate cultural festivals and for women to organise their own culturally specific entertainment.

Appendix 1

Providing Domestic Violence Services to Migrant Women.

Interview Questions

For the purpose of this study the term 'Migrant Women' refers to women who are living in Ireland but who are outside the state of which they are nationals or citizens.

Access and Extent of use of Service

1. Are migrant women accessing your service?
2. Do you keep statistics on the extent of use by migrant women of your service and if not can you estimate the percentage of your clients were migrant in 2005?
3. Is it possible to say which nationalities access your services?
4. What kind of services are migrant women accessing? (e.g.) one to one support, court accompaniment, refuge?
5. If migrant women are not accessing your service why do you think this is the case? How can this be changed?

Types of Abuse

1. What types of abuse are migrant women disclosing?
2. In addition, have migrant women disclosed types of abuse which are generally uncommon in Ireland (eg) Female Genital Mutilation or Acid Burning, can you outline the forms of abuse disclosed?

Specific issues for Migrant women

1. In your experience are there specific issues/barriers for migrant women in situations of domestic violence? (e.g.) Immigration- status/residency, social welfare restrictions?
2. Of the specific issues/barriers identified to what extent are these issues arising and how significant is their impact on women's experience of and help seeking patterns in situations of domestic violence?

Response of your Service

1. How does your service currently respond to migrant women? (eg) interpreters available.
2. In your experience what issues/barriers exist for your service in providing appropriate response to migrant women? (eg) lack of resources, language barriers, and/or cultural barriers.

Service needs

1. What do you think is the best response for migrant women (i.e.) specialised service or developing response within existing service?
2. Do you think there is a need for specialised services for migrant women?
3. Do you think that your service needs to develop specialised approaches to migrant women? And how might you develop this response?

Policy/Legal change

1. Is your organisation/service involved in lobbying for legal and/or policy change in relation to immigration and domestic violence?
2. What do you think are the priorities for change in this area are?

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